

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PRUDENCE LUCAS	:	CIVIL ACTION
	:	
v.	:	
	:	
PFPC INC.	:	NO. 05-02109-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

April 27, 2006

Plaintiff asserts that the defendant, her former employer, discriminated against her on the basis of national origin and race, and also on the basis of her age. Defendant has filed a motion for summary judgment, supported by a comprehensive list of "undisputed facts" which, if accepted as true, completely refute plaintiff's allegations.

The apparently undisputed documentary record shows that plaintiff made various complaints about mistreatment or harassment at the hands of some of her fellow employees. Pursuant to its established personnel policies, the defendant thoroughly investigated each such complaint and, for various reasons, found them to be without merit.

Plaintiff was employed as a customer service representative (answering telephone inquiries from stockholders on behalf of certain financial institutions). She worked for the defendant from 2001 until mid-2005, when she was terminated,

along with all of her similarly-situated fellow employees, because of the shut-down of the call-center where she worked.

It is somewhat difficult to ascertain precisely what this lawsuit is predicated upon. In her complaint, she alleges that she was discriminated against because of her age and national origin, as follows: (1) her work-product was scrutinized more carefully than that of other employees; (2) she was accused of having "excessive body odor and bad breath"; (3) she was falsely disciplined and given poor evaluations; and (4) she was denied the opportunity for promotion or desirable transfers. The complaint also alleges that she was not compensated at the same rate as other employees, but that claim seems to have been dropped, and is not now being advanced.

In support of these allegations, and in opposition to the defendant's statement of undisputed facts, plaintiff offers nothing except her own deposition testimony, and her testimony does not give rise to any legitimate disputes about material facts. Her age discrimination claim fails because there is a total absence of any evidence that plaintiff was treated less favorably than other younger employees. And, of particular significance, she offers no evidence that she suffered any adverse employment consequences.

Plaintiff does not dispute the defendant's assertion and evidence to the effect that plaintiff (born in Jamaica,

raised in England) had an accent which many telephone callers had trouble understanding. She was not disciplined for that attribute, but was encouraged to speak more clearly. She was originally assigned to a crew which handled a particular type of inquiry, but was transferred from that crew to another crew doing similar work for another customer. The transfer was made because the customer refused to allow plaintiff to continue to handle their calls - allegedly based, not upon her accent, but upon her unpleasant manner in dealing with callers. The record as a whole makes clear that the employer bent over backwards to work with plaintiff, and did nothing to result in any adverse employment action.

I have carefully studied plaintiff's lengthy deposition testimony (which, as noted above, is the only evidence offered) and am firmly convinced that no reasonable jury could render a verdict in her favor in this case. The material facts are not really in dispute, and negative any possible recovery by plaintiff. Accordingly, the summary judgment motion will be granted.

An Order follows.

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ORDER

AND NOW, this 27<sup>th</sup> day of April 2006, upon  
consideration of defendant's motion for summary judgment and  
plaintiff's response, IT IS ORDERED:

That the motion for summary judgment is GRANTED. This  
action is DISMISSED with prejudice.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.